

REMARKS

This Response is submitted to overcome the rejections of Examiner's Action dated September 6, 2002, by providing arguments that support the allowance of Applicant's claims over the combination of references.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

At paragraph 3 of the Office Action, Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, in view of Jelen, et al. The combination of Ogasawara and Jelen does not render Applicant's invention unpatentable because that combination fails to suggest specific features or combination of features provided by the claims of Applicant's invention.

Applicant hereby incorporates by reference the arguments provided in Amendment B filed on September 27, 2002. Applicant further reiterates that the key functional elements of Applicant's claims, i.e., (1) an infrared (IR) receiver that receives IR signals with localized product information and (2) a signaling mechanism for alerting the customer to a presence of a desired product identified by the received IR signal, are not taught or suggested by Ogasawara. Notably also, (3) the program algorithm for comparing the localized product information with product identifiers of customer desired products is implemented within the product locator unit.

Examiner states that Ogasawara (at Col. 9, line 8-15) discloses alerting a customer of the location of a desired product. Column 9, lines 8-15 provide the server transmitting scanned SKU code information to the mobile terminal and assigning the location of the product as the customer's location that is then used to determine the location of a next item. Thus, Ogasawara alerts the customer that a product scanned is on the customer list and provides a map to the next item, but does not tell the customer when the item is in the physical presence (location) of the customer based on a received (or detected) IR signal.

The "alerting" feature of Applicant's claim, however, alerts the customer to the physical presence of a product in the area at which the customer is currently located. The presence of the product is indicated by the received IR signals that contain localized product information.

Examiner further states that Ogasawara discloses the installation of a signaling mechanism for projecting digitized product information within particular areas of a retail environment. However, the section of Ogasawara being relied upon by Examiner to provide this feature (namely, col 6, lines 37-59) provides a description of the customer location recognition feature (within the server) that recognizes the customer's current location and provides directions to promotional items on store shelves proximate to the customer location or to a next/nearest item on the list.

Examiner clearly mis-characterizes this section of Ogasawara since the section does not describe projecting digitized product information via a signaling mechanism. Rather, Ogasawara transmits scanned product information back to a server, and the server automatically assumes the customer is at the location assigned to the product and sends data about surrounding products based on the assumption.

One obvious drawback of Ogasawara's system is that when the product scanned is not in its correct (assigned) location, as commonly happens in retail establishments, the information sent back to the mobile terminal from the server (including the directions to the next item or the promotions on nearby items) will be incorrect. Applicant's claimed invention eliminates this problem by providing actual digitized information directly to the locator unit about products in the area currently being traveled by the customer.

Notably, Examiner admits that Ogasawara does not teach the utilization of infrared to transmit the "localized" product information that is received by the IR receiver of the product locator unit. Examiner relies on Jelen to provide the teaching/suggestion of this features in order to support the §103 rejection based on the combination of Ogasawara and Jelen.

Jelen provides a shopping cart-mounted, portable device (terminal) and a method for electronically providing a shopping list and coupon information (Abstract, Summary, etc.). Examiner correctly states that Jelen discloses a communication scheme that utilizes infrared. However, Jelen does not provide or receive localized product information via infrared (i.e., identifying information of products that are in the local area in which the terminal is situated). Jelen's utilization of infrared is for communicating between the shopping cart and a host computer via a LAN. Specifically, the infrared is utilized to detect when the terminal has moved to another location within the store (col 9, line 56- col 10, line 2).

Like Ogasawara's use of the mobile terminal, Jelen utilizes the portable terminal to scan barcodes (dataform) the customer wishes to purchase or price of items in the store, (see col 5, lines 15- 45). Alternatively, the customer may move the item to the reader (id., at lines 45-58). Jelen describes the terminal as operating as a TCP/IP web browser (col 8, line 53- col 9, line 28) that allows a user to select items and then verify if he/she wants to purchase the item (see col 9, lines 29- 55).

The combination of Jelen with Ogasawara suggests a mobile terminal/unit that is used to scan items and transmit the bar code information back to a central server, where the assigned location of the item scanned is utilized as the location of the customer. The location of the customer is then utilized to signal directions to a next product to the mobile terminal via infrared. The combination, however, does not teach or suggest those specific features, which Applicant has previously shown are not taught or suggested by Ogasawara or use of an infrared receiver to receive digitized product information in the manner provided by Applicant.

For the above reasons, one skilled in the art would not find Applicant's invention obvious in light of the combination. The claims are therefore allowable over the combination.

CONCLUSION

Applicant has diligently responded to the Office Action by showing why the claims are not obvious over the combination of Ogasawara and Jelen. The arguments overcome the §103 rejections and Applicant, therefore, respectfully requests reconsideration of the §103 rejections and issuance of a Notice of Allowance for all claims now pending.

Applicants respectfully request the Examiner contact the undersigned attorney of record at (512) 542-2100 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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